



PRESS RELEASE

PETER J. LUCIDO

MACOMB COUNTY PROSECUTING ATTORNEY

Contact: Dawn Fraylick
Office: +1 (586) 469-5737
Email: Dawn.Fraylick@macombgov.org

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Macomb County Prosecutor to make first appeal to U.S. Supreme Court

Mount Clemens, MI - Today, Macomb County Circuit Court Judge Joseph Toia granted the Macomb County Prosecutor's request for a stay of further proceedings in a criminal sexual assault case, pending a decision by the United States Supreme Court.

In *People v. Anthony Veach*, the defendant was convicted of seven counts of first degree criminal sexual conduct and two counts of second degree criminal sexual conduct in three separate cases that were consolidated into one trial. The defendant was accused of sexually assaulting his daughter when she was 15 and 16 years old. The trial court sentenced the defendant to 20-60 years in prison for each of the criminal sexual conduct in the first degree convictions and 10 to 15 years in prison for each of the criminal sexual conduct in the second degree convictions to be served concurrently.

The defendant appealed the convictions based on the trial judge closing the courtroom during the child victim's testimony, without putting the specific reasons for the closure on the court record. The Michigan Court of Appeals affirmed that there were valid reasons on the record to close the courtroom during the minor child's testimony. The Michigan Supreme Court reversed the Michigan Court of Appeals decision, finding that the trial court violated the Sixth Amendment of the U. S. Constitution by not placing those reasons on the record. This vacated the defendant's convictions and granted him a new trial. Michigan Supreme Court Justice Brian Zahra vigorously dissented and would have ruled the record clearly established the basis to close the courtroom during the child victim's testimony.

Justice Zahra stated in his dissent, "The majority order reverses a judgement entered upon the jury's verdict and remands for retrial, solely because the trial court took steps to protect a child victim of sexual abuse. Although one can hope that the victim has the strength and willingness to go through another trial, there is a very real possibility that now, seven years after the events

at issue occurred, the victim will not want to recount on a courtroom witness stand, yet again, the abuse that she suffered, forcing her to relive the trauma.”

The Macomb County Prosecutor's Office is initiating an appeal to the U.S. Supreme Court following the decision of the Michigan Supreme Court. The Macomb County Prosecutor's Office is asking the U.S. Supreme Court to answer the question, “Does the Sixth Amendment right to a public trial require subjecting the child rape victim to an automatic retrial based on a technicality when there are ample and obviously reasons in the court record justifying the closure of the courtroom during the child victim's testimony, even if the trial court does not expressly state those reasons on the record?”

"We are determined to do everything within our power to shield the sexual assault victim from further trauma and ensure that justice is served. We are appealing to the United States Supreme Court to address the critical question of whether a technicality should force an already brave survivor to relive her painful experience again in court. We firmly believe that the pursuit of justice should not come at the cost of her well-being, and we await the highest court's decision regarding whether to hear this case," said Macomb County Prosecutor Peter J. Lucido.

The Macomb County Prosecutor's Office brief is due to the U.S. Supreme Court at the end of October, then the defense will respond. After the briefs are submitted, the U.S. Supreme Court will decide whether to hear the case or decline. Should the U.S. Supreme Court choose not to consider the case, a retrial will be necessary to secure a conviction.

Mr. Veach remains in custody, on his original bonds for the three cases.

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